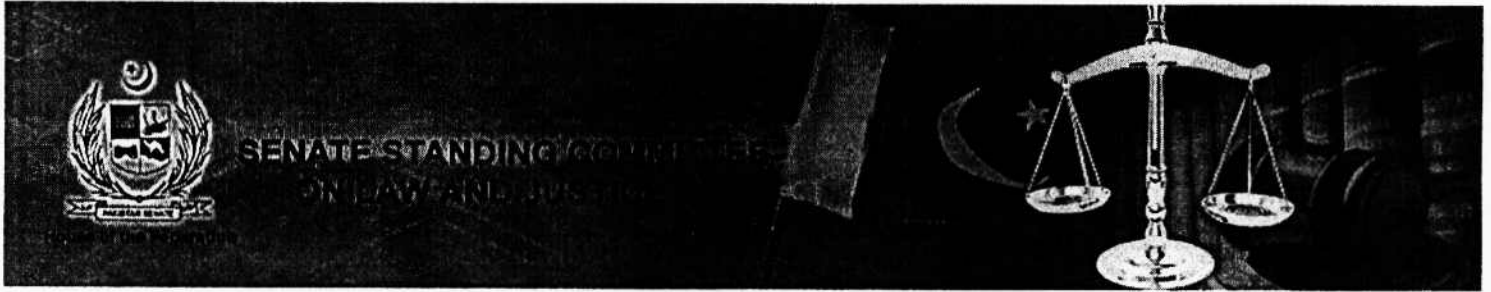


SENATE OF PAKISTAN



REPORT NO. 33

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2019”

(Insertion of new Article 253A)

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2019,"

I, Senator Muhammad Javed Abbasi, Chairman, Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2019" (Insertion of Article 253A), introduced by Senator Mushtaq Ahmed, in the Senate sitting held on 2nd September 2019 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Ayesha Raza Farooq	Member
5.	Senator Sirajul Haq	Member
6.	Senator Dr. Ghous Muhammad Khan Niazi	Member
7.	Senator Mustafa Nawaz Khokhar	Member
8.	Senator Zeeshan Khanzada	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Sana Jamali	Member
11.	Senator Walid Iqbal	Member
12.	Senator Syed Muzafar Hussain Shah	Member
13.	Senator Muhammad Ali Khan Saif	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in various meetings and held conclusive discussion in the meeting on 9th September 2020, with the following in attendance:

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Ayesha Raza Farooq	Member
3.	Senator Zeeshan Khanzada	Member
4.	Senator Musadik Masood Malik	Member
5.	Senator Dr. Ghous Muhammad Khan Niazi	Member
6.	Senator Mustafa Nawaz Khokhar	Member
7.	Senator Mushtaq Ahmed	Member-In-Charge

4. The Committee took exhaustive reading of the Bill. The Ministry of Interior in its response upon the Constitutional amendment, deliberated that a policy directive under Foreigners Act, 1946 has already been issued by the Federal Government in 1984, whereunder direct or indirect purchase and acquisition of land or landed property in Pakistan by foreigners are principally barred and made contingent upon prior permissions in writing from the Federal or Provincial Governments. While commenting on the Bill, Senator Mustafa Nawaz Khokhar and Senator Musadik Masood Malik, were of the view that foreigners should be allowed to purchase property in Pakistan to encourage investment, trade and business. However, the principle of reciprocity should be exercised and all legal formalities should be diligently completed to avoid misuse. The Chairman Committee held that sufficient legal and procedural structures are in place as evident from the responses submitted by the Ministries.

5. After deliberations, the Committee asked the Member In-Charge to withdraw the Bill as the subject amendment had already been addressed in the Foreigners Act, 1946, and a policy directive issued thereunder. Senator Mushtaq Ahmed agreed to withdraw the Bill.

6. The Committee recommends that the House may grant leave to Senator Mushtaq Ahmed to withdraw "The Constitution (Amendment) Bill, 2019" (Insertion of Article 253A). The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



(Haris Rehman)
DS / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman
Standing Committee on Law and Justice

A-1
~~[TO BE INTRODUCED IN THE SENATE]~~

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BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS It is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Constitution (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Insertion of Article 253A in the Constitution.— In the Constitution of the Islamic Republic of Pakistan, after Article 253, the following new Article 253A shall be inserted, namely:-

"253A. Prohibition to purchase immovable property by non-citizens.— A person who is not a citizen of Pakistan shall not be entitled, to own or purchase immovable property in Pakistan:

Provided that the Federal Government may allow non-citizens to possess immovable property in Pakistan through mortgage, lease, will, or through any other instrument for a period not exceeding twenty years."

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan guarantees right to the citizens of Pakistan to acquire, hold, or dispose of property in any part of the country. However there is no protection to immovable property from those who are not the citizens of Pakistan. Due to the current influx of foreigners and foreign investors in Pakistan, there is danger of purchase of excessive land by the foreigners. This is dangerous for the social and cultural aspects and for the security of Pakistan. Through the instant amendment, the foreigners will be prohibited from owning and purchasing land in Pakistan. Similarly, they will be prohibited from entering into agreement which bestow on them the right to possess immovable property for more than twenty years. This will protect the country from any danger aimed at the social, cultural or security aspect of Pakistan.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MUSHTAQ AHMED
Member-in-Charge